

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-25-2012

Chapter No. 29

Proposed and Presented by Council Member Patterson

Introduced by Council Members Patterson, Davis, Franklin and Lehman

Co-Sponsors _____

Date of Introduction June 19, 2012

BILL

1 AN ACT concerning

2 Utility Cost Disclosure and Home Energy Audits

3 For the purpose of requiring a seller to provide, on written request, information relating to certain
4 utility bills and opportunities for home energy efficiency improvements to a buyer who submits
5 an offer to purchase a single family home; requiring the Department of Environmental Resources
6 to evaluate options to encourage homeowners to conduct home energy audits; reporting
7 requirements; and generally relating to real property, energy, and environmental policy.

8 BY adding:

9 SUBTITLE 13. HOUSING AND PROPERTY
10 STANDARDS.
11 Sections 13-1106, 13-1107, 13-1108, 13-1109
12 The Prince George's County Code
13 (2011 Edition).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 13-1106, 13-1107, 13-1108, and 13-1109 of the Prince George's County
16 Code be and the same are hereby added:

17 SUBTITLE 13. HOUSING AND PROPERTY
18 STANDARDS.

19 **DIVISION 13. UTILITY DISCLOSURE AND HOME ENERGY AUDITS.**

20 **Sec. 13-1106. Definitions.**

21 (a) **Department** means the Department of Environmental Resources.

1 **(b) Director** means the Director of the Department of Environmental Resources or the
 2 Director's designee.

3 **(c) Federal Housing Authority Energy Efficient Mortgage** – means a mortgage that
 4 covers upgrades for new and existing homes and is available in fifty states. A Federal Housing
 5 Authority (FHA) loan enables a home buyer to obtain a single loan to finance both property
 6 acquisition and to complete major improvements after loan closing.

7 **(d) Home energy audit** means an evaluation of the energy efficiency of a home which
 8 includes any test or diagnostic measurement which the Department finds necessary to:

9 (1) ensure that a home's energy efficiency is accurately measured; or

10 (2) identify steps that can be taken to improve a home's energy efficiency.

11 **(e) Single-family home means** [a single-family detached or attached residential
 12 building.] a single family residential real property improved by four or fewer single family units.

13 **(f)** This section does not apply to:

14 (1) The initial sale of single family residential real property that has never been
 15 occupied or for which a certificate of occupancy has been issued within one year before the seller
 16 and buyer entered into a contract of sale;

17 (2) A transfer that is exempt from the transfer tax under §13-207 of the Tax-
 18 Property Article, except land installment contracts of sale under §13-207(A)(11) of the Tax-
 19 Property Article and options to purchase real property under §13-207(A)(12) of the Tax-Property
 20 Article;

21 (3) A sale by a lender or an affiliate or a subsidiary of a lender that acquired real
 22 property by foreclosure or deed in lieu of foreclosure;

23 (4) A sheriff's sale, tax sale, or sale by foreclosure, partition, or court- appointed
 24 trustee;

25 (5) a transfer by a fiduciary in the course of the administration of a decedent's
 26 estate, guardianship, conservatorship or trust;

27 (6) A transfer of single family residential real property to be converted by the
 28 buyer into a use other than residential use or to be demolished; or

29 (7) A sale of unimproved real property.

30 **Sec. 13-1107. Duties and responsibilities.**

1 (a) A seller of single family residential real property shall provide, on written request,
 2 copies of electric, gas, and home heating oil bills, or a document detailing the monthly electric,
 3 gas, and home heating oil usage of the residential property, for the 12-month period before the
 4 property was first marketed for sale. If the seller did not occupy the single-family home for the
 5 entire prior 12 months, the seller must provide the buyer, on written request, with the required
 6 information for that part of the prior 12 months, if any, that the seller occupied the single-family
 7 home.

8 (b) The information required under § 13-1107(a) shall be provided if the request is
 9 made by a prospective buyer who has signed and submitted an offer to purchase and the seller
 10 has access to the information.

11 (c) This section may not be construed to limit the seller from making utility
 12 information available to prospective buyers in a sale listing on the multiple listing service.

13 (d) The information provided under §13-1107(a) is provided without warranties,
 14 either express or implied, including as to the accuracy, completeness, or suitability of the
 15 information.

16 (e) The Department shall provide, on written request, material approved by the
 17 Department that gives information about home energy efficiency improvements, including the
 18 benefit of conducting a home energy audit.

19 (f) The Department shall provide, on written request, material that gives information
 20 on the Federal Housing Authority's Energy Efficient Mortgage Program (EEM) and the related
 21 Home Energy Rating Systems.

22 **Sec. 13-1108. Home Energy Audits.**

23 (a) The Department shall evaluate options to encourage homeowners to conduct a home
 24 energy audit.

25 **Sec. 13-1109. Reporting Utility Cost Disclosure and Home Energy Audits.**

26 (a) The Department of Environmental Resources shall annually report to the County
 27 Council regarding utility cost disclosure and home energy audits to the extent available.
 28
 29

1 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 24th day of July, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged